



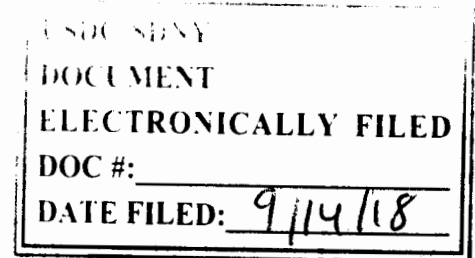
MEMO ENDORSED

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September 13, 2018

BY ELECTRONIC MAIL

Hon. Ronnie Abrams
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007




Re: *United States v. Jason Galanis, et al.*, 16 Cr. 371 (RA)

Dear Judge Abrams:

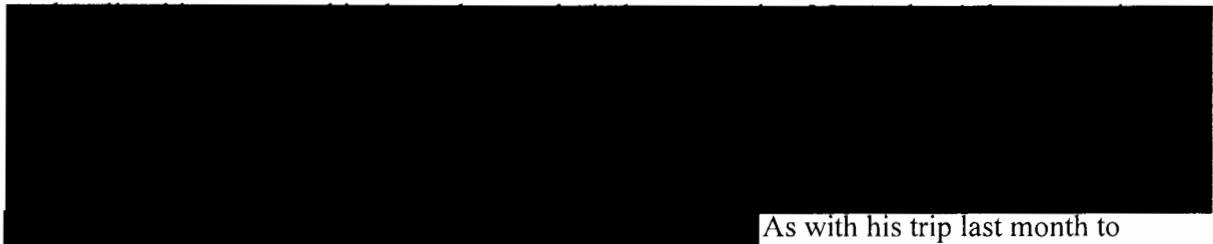
I represent Devon Archer, one of the defendants in the above-referenced case. I write to respectfully request the Court's permission for Mr. Archer to take a business trip to London. Your Honor has eighteen times previously granted Mr. Archer permission to travel internationally on business, which he has done without incident on each occasion, including to Italy, England, Spain, Latvia, Lithuania, Russia, Kazakhstan, Ukraine, the United Arab Emirates, Vietnam, China, Hong Kong, Malaysia, Singapore, Mexico, and the Philippines. As before, the Court's Pretrial Services Office consents to this request, but the Government objects.¹

The proposed trip would be from September 20-23 to London. There are multiple reasons for the trip.

A large black rectangular redaction box covers the text of the letter following the sentence "There are multiple reasons for the trip."

¹ I contacted the government yesterday to confirm its position on this application, and told the prosecutors that I would note the government's objections unless they told me otherwise. I also told the prosecutors that, if they intended to submit a response, I would inform the Court. The government replied yesterday asking questions about the trip, the answers to which I provided this morning, but it has not yet confirmed its position. I am therefore noting the government's objection, per my original communication to the government and consistent with the government's objection to Mr. Archer eighteen prior international trips.

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As with his trip last month to Ukraine, these meetings are a continuation of Mr. Archer's current business as well as a part of Mr. Archer's efforts to put his affairs in order pending sentencing, after which he may become unavailable and unable to resolve his outstanding obligations to these companies. As usual, Mr. Archer has provided an itinerary to his Pretrial Services Officer, who as noted consents to this request. A copy of Mr. Archer's proposed flight and lodging information is attached as Exhibit A, which we respectfully request to be filed under seal.²

As before, because this request is being made following a guilty verdict and pending sentencing, Mr. Archer acknowledges that the burden is upon him to establish that he is not a flight risk. Mr. Archer respectfully submits that he has demonstrated since the pendency of this case that the Court's trust has not been misplaced and that, as he has each time before, Mr. Archer will return without incident. Mr. Archer has demonstrated through his actions that he is not a flight risk, including last month when Mr. Archer was granted permission by the Court to travel to Ukraine, which he did without incident. Mr. Archer has reported to Pretrial Services daily while away, and has executed and provided to the United States Attorney's Office an open-ended waiver of extradition, in the form requested by the Government, which covers not only his business trips but the entire duration of proceedings in this case. Specifically:

- On June 13, 2016, Your Honor permitted Mr. Archer to travel on business to Italy.
- On July 26, 2016, Your Honor permitted Mr. Archer and his wife, Dr. Archer, to travel on business to Latvia.
- On September 9, 2016, Your Honor permitted Mr. Archer to travel on business to China.
- On October 17, 2016, Your Honor permitted Mr. Archer to travel on business to England and Lithuania. On October 21, 2016, Your Honor further granted permission for Mr. Archer to modify his itinerary to include business travel to Russia.
- On November 28, 2016, Your Honor permitted Mr. Archer to travel on business to England and Spain.

² We also respectfully request that aspects of Mr. Archer's personal finances and business dealings be filed under a seal. A proposed redacted version of this letter suitable for public filing is being submitted contemporaneously.

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- On January 4, 2017, Your Honor permitted Mr. Archer to travel on business to Vietnam and China. On January 17, 2017, Your Honor further granted permission for Mr. Archer to modify his itinerary to include travel to the United Kingdom.
- On February 16, 2017, Your Honor permitted Mr. Archer to travel on business to Singapore, Malaysia, and the Philippines. Although Mr. Archer's wife did not travel with him, she was permitted to retain her passport because she had a separate international trip planned for the same time.
- On March 6, 2017, Your Honor permitted Mr. Archer to travel on business to Russian and London. Mr. Archer's wife and his oldest child were permitted to join him in London for that leg of his trip.
- On March 23, 2017, Your Honor permitted Mr. Archer to travel on business to the Philippines. On that occasion Mr. Archer's family did not surrender their passports because, although they did not travel with him, Mr. Archer's wife and children were out of the country on vacation at the same time.
- On May 9, 2017, Your Honor permitted Mr. Archer to travel on business to London.
- On June 6, 2017, Your Honor permitted Mr. Archer to travel on business to London.
- On June 13, 2017, Your Honor permitted Mr. Archer to travel on business to the Philippines and China.
- On July 26, 2017 Your Honor permitted Mr. Archer to travel on business to Italy, with one of his children.
- On September 20, 2017, Your Honor permitted Mr. Archer to travel on business to China, Vietnam, the Philippines, and Kazakhstan.
- On January 23, 2018, Your Honor permitted Mr. Archer to travel on business to China, Hong Kong, and the United Arab Emirates.
- On February 16, 2018, Your Honor permitted Mr. Archer to travel on business to Mexico.
- On March 28, 2018, Your Honor permitted Mr. Archer to travel on business to China.
- On August 7, 2018, following the jury's verdict in this case, Your Honor permitted Mr. Archer to travel on business to Ukraine.

See ECF Nos. 41, 62, 78, 83, 84, 98, 111, 122, 148, 162, 166, 179, 182, 185, 189, 236, 305, 316, 363, and 560.

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In short, Mr. Archer has proven that he is no risk of flight. Mr. Archer has participated directly in his defense at each opportunity, and is equally focused now on the remainder of the process, as evidenced (among other things) by his comprehensive post-trial motions, which are before the Court and which Mr. Archer would not abandon. Though he now faces sentencing, which he is preparing for, Mr. Archer is no less committed to his family and to remaining in the United States. Indeed, the very purpose of the trip is to help ensure that, in the event his post-trial motions are not granted, Mr. Archer's affairs are in order prior to sentencing.

As before, if the Court permits him to travel, Mr. Archer will report daily to his Pretrial Services Officer while he is away, and will turn over his wife's and three small children's passports. We respectfully submit that, especially with those measures in place, Mr. Archer has more than met his burden of demonstrating that he is not a flight risk, and that the Court should grant this request.

Thank you for your consideration of this request.

Respectfully,

/s/ Matthew L. Schwartz
Matthew L. Schwartz

cc: BY ELECTRONIC MAIL

AUSAs Rebecca Mermelstein, Brendan Quigley, and Negar Tekeei
U.S. Pretrial Services Officer Andrew R. Kessler-Cleary

Application granted. Mr. Archer will report daily to Pretrial Services during his trip and his wife and children shall surrender their passports while he is out of the country.

SO ORDERED.



Ronnie Abrams, U.S.D.J.
September 14, 2018